

EXHIBIT 54

Remote Videotaped Deposition
of
THOMAS AMELL
Albany, New York
Thursday, April 27, 2023

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38 (Pages 146 to 149)

<p style="text-align: right;">Page 146</p> <p>1 THOMAS AMELL</p> <p>2 MR. ALESSI: Object to the form of</p> <p>3 the question.</p> <p>4 THE WITNESS: No. You are twisting</p> <p>5 what I'm saying.</p> <p>6 Due diligence occurred from the time</p> <p>7 the overdraft occurred and continued to</p> <p>8 occur, and you can define due diligence,</p> <p>9 whatever, investigation, due diligence,</p> <p>10 learning, learning occurred continuously</p> <p>11 all that period of time.</p> <p>12 You asked me if I personally looked</p> <p>13 for the source of the funds. No, I didn't</p> <p>14 look for the source of the funds, I think</p> <p>15 that would be academic. I don't know.</p> <p>16 BY MR. JAYNE:</p> <p>17 Q. Did you instruct others to look at</p> <p>18 the source of the funds upon which Pioneer was</p> <p>19 implementing overdraft recoveries?</p> <p>20 A. I'm not following you. I'm sorry.</p> <p>21 Why would I care where the money</p> <p>22 came from?</p> <p>23 Q. Sir, this will be easier if you'll</p> <p>24 just listen to my question.</p> <p>25 A. I'm sorry. Go ahead.</p>	<p style="text-align: right;">Page 148</p> <p>1 THOMAS AMELL</p> <p>2 you say it again, because I want to be --</p> <p>3 Q. I think you told us that you did not</p> <p>4 care or that the source of the -- strike that.</p> <p>5 I think you told us that it doesn't</p> <p>6 matter where the funds came from over -- well,</p> <p>7 strike that. Let's see if I can do better.</p> <p>8 Do you care where the funds came</p> <p>9 from that you implemented the overdraft</p> <p>10 recovery upon?</p> <p>11 MR. ALESSI: Object to the form of</p> <p>12 the question.</p> <p>13 THE WITNESS: I don't know how it's</p> <p>14 relevant. Do I care? No, I don't -- sure.</p> <p>15 If I had the information that's great, but</p> <p>16 it's not relevant to the decision I need to</p> <p>17 make.</p> <p>18 So the decision I need to make at</p> <p>19 that point in time is we can't get a hold</p> <p>20 of Bank of America, we're short some</p> <p>21 \$15 million. And my decision point after</p> <p>22 getting all of my information is we need to</p> <p>23 act on our overdraft recovery.</p> <p>24 So where this money come in from to</p> <p>25 solve our problem, I'm not sure how it's</p>
<p style="text-align: right;">Page 147</p> <p>1 THOMAS AMELL</p> <p>2 Q. My question is very simple: Did you</p> <p>3 instruct anyone to look at the source of the</p> <p>4 funds upon which Pioneer Bank was exercising</p> <p>5 overdraft recoveries on the morning of</p> <p>6 September 4th, 2019?</p> <p>7 A. I'm sorry. No, not to my knowledge,</p> <p>8 I didn't specifically instruct that.</p> <p>9 Q. Do you know if anyone else did?</p> <p>10 MR. ALESSI: Object to the form of</p> <p>11 the question.</p> <p>12 THE WITNESS: Not to my knowledge.</p> <p>13 MR. ALESSI: Mr. Amell.</p> <p>14 THE WITNESS: Sorry.</p> <p>15 MR. ALESSI: Object to the form of</p> <p>16 the question.</p> <p>17 THE WITNESS: Not to my knowledge.</p> <p>18 BY MR. JAYNE:</p> <p>19 Q. And I think you've told us that you</p> <p>20 think the source of the funds over which</p> <p>21 Pioneer was exercising overdraft recoveries was</p> <p>22 frankly irrelevant to you?</p> <p>23 MR. ALESSI: Object to the form of</p> <p>24 the question.</p> <p>25 THE WITNESS: Yeah, I'm sorry, can</p>	<p style="text-align: right;">Page 149</p> <p>1 THOMAS AMELL</p> <p>2 relevant to the decision that I needed to</p> <p>3 make.</p> <p>4 So I'm not saying I don't care, I</p> <p>5 mean --</p> <p>6 BY MR. JAYNE:</p> <p>7 Q. You're saying it's irrelevant?</p> <p>8 A. I'm not saying it's irrelevant. I'm</p> <p>9 not saying that.</p> <p>10 I'm just saying it's not part of my</p> <p>11 factor in making my decision.</p> <p>12 Q. If you would have known on September</p> <p>13 -- well, first let me ask: Did you know on</p> <p>14 September 4th, 2019, when you made the decision</p> <p>15 to implement overdraft recoveries over moneys</p> <p>16 in Michael Mann's accounts, that some of that</p> <p>17 money was third-party payroll tax money?</p> <p>18 MR. ALESSI: Object to the form of</p> <p>19 the question.</p> <p>20 THE WITNESS: Yeah, I've answered</p> <p>21 that as well. No, I didn't know. I didn't</p> <p>22 know why this money was coming from.</p> <p>23 Q. If you did know on September 4th, of</p> <p>24 2019 that some of this money in Michael Mann's</p> <p>25 accounts was payroll tax dollars, would you</p>

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<p style="text-align: right;">Page 150</p> <p>1 THOMAS AMELL</p> <p>2 still have implemented the overdraft</p> <p>3 recoveries?</p> <p>4 MR. ALESSI: Object to the form of</p> <p>5 the question.</p> <p>6 THE WITNESS: It's a hypothetical,</p> <p>7 because we don't have -- we don't have</p> <p>8 those accounts, so there is no possible way</p> <p>9 we would have an account that we would</p> <p>10 classify as a tax account; we just don't do</p> <p>11 that business, so --</p> <p>12 Q. Well, you know as you sit here</p> <p>13 today --</p> <p>14 MR. ALESSI: He needs to finish his</p> <p>15 answer, please.</p> <p>16 THE WITNESS: Yeah. So you're</p> <p>17 hypothetically asking me if I knew that.</p> <p>18 We don't have that type of account.</p> <p>19 And in addition to that, look, a</p> <p>20 part of our due diligence was, you know, is</p> <p>21 the account restricted in any way, right?</p> <p>22 Because there are accounts that can</p> <p>23 restrict the proceeds of money or direct</p> <p>24 the proceeds or money or -- there is a</p> <p>25 whole host of things that could happen on</p>	<p style="text-align: right;">Page 152</p> <p>1 THOMAS AMELL</p> <p>2 correct and it turns out that the majority of</p> <p>3 the money that was taken or that was recovered</p> <p>4 as part of the overdraft recovery was payroll</p> <p>5 tax dollars, does that matter to you?</p> <p>6 MR. ALESSI: Object to the form of</p> <p>7 the question.</p> <p>8 THE WITNESS: Does it matter? Look,</p> <p>9 at the end of day somebody is going to</p> <p>10 determine who owns these funds. My</p> <p>11 position is very clear. It's a general</p> <p>12 deposit demand account with money in it.</p> <p>13 And I've been doing this for</p> <p>14 30 years: When you deposit your money in a</p> <p>15 general deposit demand account, it's the</p> <p>16 bank's money.</p> <p>17 So if you put it in some special</p> <p>18 account, and the payroll industry is a good</p> <p>19 example of where you need special, you know</p> <p>20 it, right, you own the business, right, so</p> <p>21 I'm hoping all of your accounts are</p> <p>22 properly established, so that you can</p> <p>23 protect your funds.</p> <p>24 BY MR. JAYNE:</p> <p>25 Q. Before you implemented overdraft</p>
<p style="text-align: right;">Page 151</p> <p>1 THOMAS AMELL</p> <p>2 an account that would provide the bank with</p> <p>3 direction as to what we can and can't do.</p> <p>4 It wasn't the case in these</p> <p>5 accounts. All of these accounts were just</p> <p>6 general deposit DDA demand accounts that</p> <p>7 don't have any restrictions.</p> <p>8 So that's why the source of the</p> <p>9 funds to me is, you know, an academic</p> <p>10 hypothetical question, right?</p> <p>11 It's a general deposit account; it's</p> <p>12 money to me.</p> <p>13 BY MR. JAYNE:</p> <p>14 Q. Do you -- as you sit here today, do</p> <p>15 you know that some of the money or actually, a</p> <p>16 majority of the money over which Pioneer</p> <p>17 exercised overdraft recoveries on</p> <p>18 September 4th, 2019 was payroll tax dollars?</p> <p>19 As you sit here today, do you know that?</p> <p>20 MR. ALESSI: Object to the form of</p> <p>21 the question.</p> <p>22 THE WITNESS: Well, I don't know</p> <p>23 that; you're the one suing me thinking</p> <p>24 that.</p> <p>25 Q. But if that's correct, if I'm</p>	<p style="text-align: right;">Page 153</p> <p>1 THOMAS AMELL</p> <p>2 recoveries in Michael Mann's accounts on the</p> <p>3 morning of September 4th, 2019, did you suspect</p> <p>4 that Michael Mann had been check kiting or</p> <p>5 committing fraud on Pioneer Bank?</p> <p>6 MR. ALESSI: Object to the form of</p> <p>7 the question.</p> <p>8 THE WITNESS: As I mentioned, I had</p> <p>9 a whole host of emotions. I had no</p> <p>10 information. I'm sitting there with a</p> <p>11 \$15 million hole, and I made the decision</p> <p>12 to collect our money into a general ledger</p> <p>13 account.</p> <p>14 I had no idea what was going on. We</p> <p>15 couldn't get information; we couldn't talk</p> <p>16 to the Bank of America. We made several</p> <p>17 attempts to talk to Michael Mann over the</p> <p>18 weekend. In fact, I think later that day</p> <p>19 there was a meeting with Mann.</p> <p>20 We couldn't get any information,</p> <p>21 right? So I had no idea what was going on,</p> <p>22 I just wanted to possess our money.</p> <p>23 BY MR. JAYNE:</p> <p>24 Q. You had a meeting with Michael Mann</p> <p>25 on that afternoon of September 4th, 2019,</p>

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<p style="text-align: right;">Page 162</p> <p>1 THOMAS AMELL</p> <p>2 retain -- the name escapes me Greisler, Lemery</p> <p>3 Greisler. We attempted to obtain a lawyer that</p> <p>4 we know, because we knew we were going to need</p> <p>5 some legal representation, and we reached out</p> <p>6 to that firm, but I'm not sure exactly what</p> <p>7 time -- I'm not sure exactly when we did that.</p> <p>8 Q. So is the answer to the question you</p> <p>9 don't know?</p> <p>10 A. Okay. I don't know.</p> <p>11 Q. I don't want to put words in your</p> <p>12 mouth. Let me see if I can do it this way:</p> <p>13 Is it fair to say you do not know</p> <p>14 whether you, Mr. Sarratori, or Mr. Hughes</p> <p>15 reached out to any outside banking lawyer</p> <p>16 before implementing the overdraft recoveries in</p> <p>17 Mann's accounts on September 4th, 2019?</p> <p>18 MR. ALESSI: I'm going to object to</p> <p>19 the form of the question.</p> <p>20 THE WITNESS: My recollection is</p> <p>21 that we -- Pat, Frank as an attorney, and I</p> <p>22 and others made a collective decision to</p> <p>23 act on the overdrafts; and that was not for</p> <p>24 the purpose of our engaging of outside</p> <p>25 counsel.</p>	<p style="text-align: right;">Page 164</p> <p>1 THOMAS AMELL</p> <p>2 the purpose.</p> <p>3 You can answer the question as it</p> <p>4 was stated. If you need it read back --</p> <p>5 please do not answer with regard to any</p> <p>6 counsel with respect to any reason why you</p> <p>7 would have reached out for this Mann matter</p> <p>8 or any other reason you would have reached</p> <p>9 out any other topic.</p> <p>10 THE WITNESS: Understood.</p> <p>11 BY MR. JAYNE:</p> <p>12 Q. Can you answer the question, sir?</p> <p>13 A. Can you ask it again?</p> <p>14 Q. Do you recall whether you,</p> <p>15 Mr. Hughes, or Mr. Sarratori reached out to any</p> <p>16 outside banking counsel before you implemented</p> <p>17 the overdraft recoveries in Michael Mann's</p> <p>18 accounts on the morning of September 4th, 2019?</p> <p>19 MR. ALESSI: And I'll object to the</p> <p>20 form of that question.</p> <p>21 THE WITNESS: I don't recall.</p> <p>22 Q. Okay. Let's talk about the meeting</p> <p>23 with Mr. Mann on the afternoon of</p> <p>24 September 4th, 2019. Okay?</p> <p>25 A. Okay.</p>
<p style="text-align: right;">Page 163</p> <p>1 THOMAS AMELL</p> <p>2 I believe at that time we were</p> <p>3 engaging Lemery Greisler to help us with --</p> <p>4 MR. ALESSI: I'm sorry, Mr. Amell,</p> <p>5 I've got to stop you to assert the</p> <p>6 privilege.</p> <p>7 You cannot speak about any purpose</p> <p>8 for engaging any counsel for any topic;</p> <p>9 this or any other.</p> <p>10 THE WITNESS: You see, you lawyers</p> <p>11 have got a lot of rules.</p> <p>12 BY MR. JAYNE:</p> <p>13 Q. So I think the answer is -- and you</p> <p>14 correct me if I'm wrong, is you don't know</p> <p>15 whether you reached out to any outside banking</p> <p>16 lawyer, outside counsel before you implemented</p> <p>17 the overdraft recoveries in Mann's accounts the</p> <p>18 morning of September 4, 2019, correct?</p> <p>19 MR. ALESSI: Object to the form of</p> <p>20 the question.</p> <p>21 THE WITNESS: Again, I don't recall</p> <p>22 reaching out to outside counsel to assist</p> <p>23 us.</p> <p>24 MR. ALESSI: No. Mr. Amell, do not</p> <p>25 talk, please, about -- your answer about</p>	<p style="text-align: right;">Page 165</p> <p>1 THOMAS AMELL</p> <p>2 Q. Where did it occur?</p> <p>3 A. Right here at headquarters.</p> <p>4 Q. Fourth floor?</p> <p>5 A. Yep. Fourth floor conference room,</p> <p>6 yep.</p> <p>7 Q. Who was there?</p> <p>8 A. I remember Frank Sarratori was</p> <p>9 there, Michael Mann, myself, Mr. Alessi, and</p> <p>10 Michael had his attorney, I can't remember his</p> <p>11 attorney's name. I think it was -- I think</p> <p>12 that was it.</p> <p>13 Q. What was said during the meeting?</p> <p>14 A. It really turned into just a</p> <p>15 discussion between the two attorneys.</p> <p>16 Q. Do you remember what either of the</p> <p>17 two attorneys said in front of you when the</p> <p>18 whole group was together?</p> <p>19 A. I remember Mr. Alessi initiating the</p> <p>20 conversation by asking Michael Mann a -- what I</p> <p>21 thought was a benign question, and that</p> <p>22 prompted Michael's attorney to kind of stop the</p> <p>23 discussion and then Mr. Alessi and Michael</p> <p>24 Mann's attorney left the room, and I don't know</p> <p>25 what that discussion was about.</p>


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<p style="text-align: right;">Page 178</p> <p>1 THOMAS AMELL</p> <p>2 Q. And Joe Fleming was Dave Blessing's</p> <p>3 supervisor when the events of August 30th,</p> <p>4 2019, occurred, correct?</p> <p>5 A. Correct.</p> <p>6 Q. And what did you say his title was?</p> <p>7 A. Joe was the chief credit officer.</p> <p>8 Q. And Joe was demoted at some point</p> <p>9 after August 30, 2019, correct?</p> <p>10 A. Well, let me clarify. In title,</p> <p>11 yes, he was demoted. Because in order to sit</p> <p>12 on the executive team, you're an executive vice</p> <p>13 president if you are a direct report of mine,</p> <p>14 so the only way you can be an executive vice</p> <p>15 president is a direct report of mine.</p> <p>16 So the position we asked him to take</p> <p>17 was a not a direct report of mine, so it comes</p> <p>18 with an SVP title. So, technically, yes, he</p> <p>19 was demoted, but not in a negative sense.</p> <p>20 Q. Do you have any criticisms of Dave</p> <p>21 Blessing or Joe Fleming with respect to how</p> <p>22 they handled Michael Mann's accounts at Pioneer</p> <p>23 Bank?</p> <p>24 MR. ALESSI: Object to the form of</p> <p>25 the question.</p>	<p style="text-align: right;">Page 180</p> <p>1 THOMAS AMELL</p> <p>2 he was valuable in the bank.</p> <p>3 But it came with the understanding</p> <p>4 that I wouldn't move his salary. So he was</p> <p>5 making significantly more than the position</p> <p>6 warranted, so I gave him a period of time to</p> <p>7 either accept that or if he wanted to move on,</p> <p>8 he could move on. And we got to the point</p> <p>9 where I just couldn't afford to pay an</p> <p>10 executive vice president's salary for a special</p> <p>11 assets group that was really very, very small.</p> <p>12 Q. Where did Joe move to,</p> <p>13 professionally?</p> <p>14 A. He stayed in banking; one of the</p> <p>15 banks down south, I can't remember exactly.</p> <p>16 Q. Prior to August 30, 2019, did</p> <p>17 Pioneer have a policy of not letting payroll</p> <p>18 companies have accounts at Pioneer Bank?</p> <p>19 A. I'm sorry, can you repeat that?</p> <p>20 Q. Prior to August 30, 2019, was there</p> <p>21 a policy at Pioneer Bank of not letting payroll</p> <p>22 companies have accounts?</p> <p>23 MR. ALESSI: Object to the form of</p> <p>24 the question.</p> <p>25 THE WITNESS: Yeah. And we're back</p>
<p style="text-align: right;">Page 179</p> <p>1 THOMAS AMELL</p> <p>2 THE WITNESS: Yeah, I don't, I</p> <p>3 really don't.</p> <p>4 Q. What was Joe Fleming's title change</p> <p>5 after he was chief credit officer?</p> <p>6 A. So it's functional. So he went from</p> <p>7 executive vice president chief credit officer</p> <p>8 to senior vice president -- I'm going to say</p> <p>9 special assets; I'm not sure exactly what the</p> <p>10 title is, but it's a senior vice president</p> <p>11 level, so reports to an executive vice</p> <p>12 president.</p> <p>13 Q. And does his change of job title</p> <p>14 have anything to do with the events with</p> <p>15 Michael Mann's accounts?</p> <p>16 A. Yeah, no.</p> <p>17 Q. Did Joe Fleming leave the bank</p> <p>18 voluntarily or was he terminated?</p> <p>19 A. Joe was terminated.</p> <p>20 Q. Why was Joe terminated?</p> <p>21 A. Yeah, so the -- so what I told Joe,</p> <p>22 when we moved him from the executive vice</p> <p>23 president's role, because I brought in Rob</p> <p>24 Nichols, that I would give Joe the opportunity</p> <p>25 to be in the -- to stay with the bank, because</p>	<p style="text-align: right;">Page 181</p> <p>1 THOMAS AMELL</p> <p>2 to defining a payroll company.</p> <p>3 We prohibit in our policy is you</p> <p>4 can't transact third-party payroll</p> <p>5 activities at the bank. But you can be a</p> <p>6 payroll company; I'll give you that.</p> <p>7 I'll give a perfect example. We</p> <p>8 talked earlier about GTM Payroll and Guy</p> <p>9 Maddalone.</p> <p>10 So GTM Payroll has accounts with</p> <p>11 Pioneer Bank right now. And if I could</p> <p>12 take on his payroll type business,</p> <p>13 obviously I don't have it, he's close to</p> <p>14 me.</p> <p>15 So there's a good example; I can't</p> <p>16 do that business. So I have some of his</p> <p>17 business, but not that piece.</p> <p>18 BY MR. JAYNE:</p> <p>19 Q. So you are saying that there was a</p> <p>20 policy at Pioneer Bank prior to August 30,</p> <p>21 2019, that didn't allow payroll companies to</p> <p>22 house third-party payroll taxes; is that what</p> <p>23 you're saying?</p> <p>24 A. That's what I'm saying.</p> <p>25 Q. And you know what third-party</p>

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70 (Pages 274 to 277)

<p style="text-align: right;">Page 274</p> <p>1 THOMAS AMELL</p> <p>2 documentation all cleaned up in that meeting</p> <p>3 and, you know, that never came to fruition.</p> <p>4 Q. Are you aware that Tim Burke went to</p> <p>5 dinner with David Blessing on September 3rd,</p> <p>6 2019?</p> <p>7 A. I am. I believe he picked him up at</p> <p>8 the airport and brought him here in the</p> <p>9 morning.</p> <p>10 Q. Did David Blessing discuss with you</p> <p>11 anything that he and Tim Burke discussed over</p> <p>12 dinner?</p> <p>13 A. No. No.</p> <p>14 MS. NEIDL: Okay. No further</p> <p>15 questions for the witness.</p> <p>16 MR. JAYNE: Southwestern Payroll</p> <p>17 reserves any further questions until the</p> <p>18 time of trial.</p> <p>19 VIDEOGRAPHER: This concludes</p> <p>20 today's testimony for the remote video</p> <p>21 deposition of Mr. Thomas Amell.</p> <p>22 The time is 4:25 p.m., and we're</p> <p>23 going off the record.</p> <p>24 - o0o -</p> <p>25</p>	<p style="text-align: right;">Page 276</p> <p style="text-align: center;">C E R T I F I C A T E</p> <p>1</p> <p>2</p> <p>3</p> <p>4 STATE OF NEW YORK)</p> <p>5) ss.:</p> <p>6 COUNTY OF ONONDAGA)</p> <p>7 I, Mary Agnes Drury, a Notary Public</p> <p>8 within and for the State of New York, do</p> <p>9 hereby certify:</p> <p>10 That THOMAS AMELL, the witness whose</p> <p>11 deposition is hereinbefore set forth, was</p> <p>12 duly sworn by me and that such deposition</p> <p>13 is a true record of the testimony given by</p> <p>14 such witness.</p> <p>15 I further certify that I am not</p> <p>16 related to any of the parties to this</p> <p>17 action by blood or marriage; and that I am</p> <p>18 in no way interested in the outcome of this</p> <p>19 matter.</p> <p>20 IN WITNESS WHEREOF, I have hereunto</p> <p>21 set my hand this 16th day of May, 2023.</p> <p>22</p> <p>23 </p> <p>24 Mary Agnes Drury</p> <p>25</p>																																														
<p style="text-align: right;">Page 275</p> <p>1</p> <p>2</p> <p>3 (Time Noted: 4:25 p.m.)</p> <p>4</p> <p>5</p> <p>6 -----</p> <p>7 THOMAS AMELL</p> <p>8</p> <p>9 Subscribed and sworn to before me</p> <p>10 this _____ day of _____ 2023.</p> <p>11</p> <p>12 -----</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 277</p> <p style="text-align: center;">I N D E X</p> <p>1</p> <p>2</p> <table border="0"> <tr> <td>3 WITNESS/EXAMINATIONS</td> <td>PAGE</td> </tr> <tr> <td>4 THOMAS AMELL</td> <td></td> </tr> <tr> <td>5 EXAMINATION BY MR. JAYNE</td> <td>7</td> </tr> <tr> <td>6 EXAMINATION BY MS. NEIDL</td> <td>223</td> </tr> <tr> <td>7 - o0o -</td> <td></td> </tr> </table> <table border="0"> <tr> <td colspan="2">8 PLAINTIFF EXHIBITS</td> </tr> <tr> <td>9 NUMBER</td> <td>DESCRIPTION PAGE</td> </tr> <tr> <td>10 Exhibit 538</td> <td>Set-Off Funds Held In Table, 33</td> </tr> <tr> <td>11</td> <td>Bates Stamped PB-SWP-00241113</td> </tr> <tr> <td>12</td> <td>1-Page</td> </tr> <tr> <td>13 Exhibit 539</td> <td>Amell E-mail Dated 9/19/17, 54</td> </tr> <tr> <td>14</td> <td>Bates Stamped</td> </tr> <tr> <td>15</td> <td>PB-SWP-00069412, 1-Page</td> </tr> <tr> <td>16 Exhibit 541</td> <td>Mazzara E-mail Dated 9/4/19, 127</td> </tr> <tr> <td>17</td> <td>Bates Stamped PB-SWP-00369284</td> </tr> <tr> <td>18</td> <td>to '285, 2-Pages</td> </tr> <tr> <td>19 Exhibit 540</td> <td>Amell E-mail Dated 10/16/19, 207</td> </tr> <tr> <td>20</td> <td>Bates Stamped PB-SWP-00356088</td> </tr> <tr> <td>21</td> <td>to '089, 2-Pages</td> </tr> <tr> <td>22</td> <td>- o0o -</td> </tr> <tr> <td>23</td> <td></td> </tr> <tr> <td>24</td> <td></td> </tr> <tr> <td>25</td> <td></td> </tr> </table>	3 WITNESS/EXAMINATIONS	PAGE	4 THOMAS AMELL		5 EXAMINATION BY MR. JAYNE	7	6 EXAMINATION BY MS. NEIDL	223	7 - o0o -		8 PLAINTIFF EXHIBITS		9 NUMBER	DESCRIPTION PAGE	10 Exhibit 538	Set-Off Funds Held In Table, 33	11	Bates Stamped PB-SWP-00241113	12	1-Page	13 Exhibit 539	Amell E-mail Dated 9/19/17, 54	14	Bates Stamped	15	PB-SWP-00069412, 1-Page	16 Exhibit 541	Mazzara E-mail Dated 9/4/19, 127	17	Bates Stamped PB-SWP-00369284	18	to '285, 2-Pages	19 Exhibit 540	Amell E-mail Dated 10/16/19, 207	20	Bates Stamped PB-SWP-00356088	21	to '089, 2-Pages	22	- o0o -	23		24		25	
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ACKNOWLEDGEMENT OF DEPONENT

THOMAS AMELL

I, Thomas Amell, do hereby certify that I have read or concluded that no changes are necessary to the foregoing pages 1 through 279 herein propounded, except for the corrections, changes in form or substance, if any, noted in the attached Errata Sheet.



THOMAS AMELL

SUBSCRIBED AND SWORN TO BEFORE ME THIS

8 DAY OF June, 2023.

MY COMMISSION EXPIRES:

February 24, 2024

Melissa L. Lomaestro
NOTARY PUBLIC



ERRATA SHEET**THOMAS AMELL****APRIL 27, 2023**

PAGE / LINE	CORRECTION	REASON FOR CHANGE
<u>10</u> / <u>19</u>	<u>Change "Sienna" to "Siena"</u>	<u>Correct spelling</u>
<u>11</u> / <u>16</u>	<u>Change "Sienna" to "Siena"</u>	<u>Correct spelling</u>
<u>12</u> / <u>3</u>	<u>Change "Sienna" to "Siena"</u>	<u>Correct spelling</u>
<u>13</u> / <u>21</u>	<u>Change "I have -- no" to "I have"</u>	<u>Correct statement</u>
<u>19</u> / <u>4</u>	<u>Insert "it was" before "overdrawn"</u>	<u>Clarify the sentence</u>
<u>51</u> / <u>2-3</u>	<u>Change "CASH T" to "Cachet"</u>	<u>Incorrect words</u>
<u>56</u> / <u>24</u>	<u>Change "under" to "understand"</u>	<u>Incorrect word</u>
<u>63</u> / <u>25</u>	<u>Change "the" to "of"</u>	<u>Incorrect word</u>
<u>68</u> / <u>21</u>	<u>Change "come" to "comes"</u>	<u>Incorrect word</u>
<u>88</u> / <u>6</u>	<u>Change "time" to "times"</u>	<u>Correct tense of word to plural</u>
<u>101</u> / <u>4</u>	<u>Insert "formal" between "two forums"</u>	<u>Correct the sentence</u>
<u>101</u> / <u>19</u>	<u>Delete "in the form of" and replace with "before the formal staff loan committee and the formal"</u>	<u>Correct the sentence</u>
<u>104</u> / <u>22</u>	<u>Change "our" to "the"</u>	<u>Incorrect word</u>
<u>104</u> / <u>25</u>	<u>Delete the first "his"</u>	<u>Incorrect word</u>
<u>105</u> / <u>20-21</u>	<u>Insert "have" between "I come" and delete "that" between "find" and "out"</u>	<u>Clarify the sentence</u>
<u>109</u> / <u>11</u>	<u>Insert "been" between "already" and "talking"</u>	<u>Clarify the sentence</u>

ERRATA SHEET**THOMAS AMELL****APRIL 27, 2023**

PAGE / LINE	CORRECTION	REASON FOR CHANGE
<u>124</u> / <u>6</u>	<u>Change "September 19th" to "September 3rd"</u>	<u>Incorrect date</u>
<u>125</u> / <u>15</u>	<u>Change "saver" to "savior"</u>	<u>Incorrect word</u>
<u>133</u> / <u>22</u>	<u>Change "2018" to "2019"</u>	<u>Incorrect year</u>
<u>135</u> / <u>13</u>	<u>Insert "that" after "receivables"</u>	<u>Clarify the sentence</u>
<u>136</u> / <u>17</u>	<u>Change "account" to "accounts"</u>	<u>Incorrect word</u>
<u>144</u> / <u>17</u>	<u>Change "suspension" to "suspense"</u>	<u>Incorrect word</u>
<u>148</u> / <u>24</u>	<u>Change "come" to "came"</u>	<u>Correct tense of word</u>
<u>149</u> / <u>22</u>	<u>Change "why" to "where"</u>	<u>Incorrect word</u>
<u>150</u> / <u>24</u>	<u>Change first "or" to "of"</u>	<u>Incorrect word</u>
<u>152</u> / <u>19</u>	<u>Insert "a" before "special" and insert "account" after "special"</u>	<u>Clarify the sentence</u>
<u>158</u> / <u>22</u>	<u>Change "possess" to "process"</u>	<u>Incorrect word</u>
<u>170</u> / <u>14</u>	<u>Change "CASH T" to "Cachet"</u>	<u>Incorrect word</u>
<u>179</u> / <u>16</u>	<u>Should read: "No"</u>	<u>To clarify that the deponent intended to state no which is in line with his previous answer that Joe Fleming was not demoted "in a negative sense"</u>
<u>187</u> / <u>13</u>	<u>Change "he" to "we"</u>	<u>Incorrect word</u>
<u>188</u> / <u>17</u>	<u>Change "processing" to "processor"</u>	<u>Incorrect word</u>
<u>190</u> / <u>4</u>	<u>Delete "No" and replace with "I am now familiar with the name of Matt Schilling but had not heard of him prior to the Mann-related events"</u>	<u>To clarify that the deponent had not heard of Mr. Schilling prior to the events in September 2019</u>

ERRATA SHEET**THOMAS AMELL****APRIL 27, 2023**

PAGE / LINE	CORRECTION	REASON FOR CHANGE
<u>192</u> / <u>16</u>	<u>Insert "is" after "money"</u>	<u>Clarify the sentence</u>
<u>208</u> / <u>10</u>	<u>Change "CASH e t" to "Cachet"</u>	<u>Incorrect word</u>
<u>214</u> / <u>3</u>	<u>Change "CASH e t" to "Cachet"</u>	<u>Incorrect word</u>
<u>218</u> / <u>4</u>	<u>Change "is" to "are"</u>	<u>Correct tense of word to plural</u>
<u>233</u> / <u>8</u>	<u>Change "we" to "me"</u>	<u>Incorrect word</u>
<u>250</u> / <u>11</u>	<u>Change "leftover" to "left those"</u>	<u>Incorrect word</u>
<u>252</u> / <u>7</u>	<u>Change "just had" to "have"</u>	<u>Incorrect words</u>
<u>258</u> / <u>11</u>	<u>Delete "exactly"</u>	<u>Incorrect, not what deponent stated</u>
<u>264</u> / <u>21</u>	<u>Change "mechanic" to "mechanism"</u>	<u>Incorrect word</u>
<u>267</u> / <u>8</u>	<u>Change "bun" to "bunch"</u>	<u>Incorrect word</u>
<u>267</u> / <u>17</u>	<u>Change "Michal" to "Michael"</u>	<u>Incorrect word</u>
<u>267</u> / <u>21</u>	<u>Change "CASH e t" to "Cachet"</u>	<u>Incorrect word</u>
<u>269</u> / <u>3</u>	<u>Change "CASH e t" to "Cachet"</u>	<u>Incorrect word</u>
<u>273</u> / <u>10</u>	<u>Change "have" to "having"</u>	<u>Incorrect word</u>
<u> </u> / <u> </u>	<u> </u>	<u> </u>
<u> </u> / <u> </u>	<u> </u>	<u> </u>